

REMARKS

Responsive to the Office Action mailed October 7, 2008, the present paper is timely filed on or before January 7, 2009. By the present paper, claim 1 is amended and claims 2 and 3 are cancelled without prejudice or disclaimed of subject matter therein. Accordingly, claims 1 and 4 - 6 are in the Application. Entry of the amendments and reconsideration of the Application are respectfully requested.

The Claim Amendments:

Claim 1 is amended to include the elements of claims 2 and 3, now cancelled. Support for the amendments can be found, for example, in the claims as filed.

Applicants respectfully submit that the claim amendments do not introduce new matter into the Application.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1 - 6 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Yue C. Cheng, United States Patent 4,390,142 (“Cheng”). Applicants respectfully traverse.

A claim is anticipated only if each and every element set forth in the claim is described in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Anticipation requires strict identity of claim elements. *See Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292 (Fed. Cir 2002). The elements must be arranged as required by the claim. M.P.E.P. § 2131 (citing *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990)). *See also Brown v. 3M*, 265 F.3d 1349, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (citations omitted). A prior art device does not anticipate simply by possessing identically named parts, unless these parts also have the same structure, or otherwise satisfy the claim limitations, and would be understood to function the same way. *Applied Medical Resources Corp. v. United States Surgical Corp.*,

147 F.3d 1374, 47 U.S.P.Q.2d 1289 (Fed. Cir. 1998).

The putative “doors” of Cheng (shells) are permanently interlocked (structures [68], [70], [72], and [74], always in contact) and rotate relative to each other whilst remaining in contact. *See also* Cheng at 2:38-59. Cheng does not disclose that his shells are fabricated of elastic material.

Cheng does not disclose doors having tips that are alternately in contact or not when the door is moved between closed and open postures, respectively, as required by Applicants’ claims. The shells of Cheng can be rotated to create access into the interior of his cord reel. Even if this were considered an “open position”, the edges (tips) of the shells are still in contact with each other.

The doors of Applicants’ claims must be of elastomeric material. This is important to their function. Cheng does not expressly or inherently disclose this limitation.

Cheng does not disclose all of the elements of Applicants’ claims, arranged as required by Applicants’ claims. Accordingly, Cheng cannot be said to anticipate Applicants’ claims. Withdrawal of the rejection and allowance of the claims are respectfully requested.

Applicants respectfully submit that no fee is due with this paper. If a fee is in fact due and there is a discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

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